

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

KAI BUTLER,  
Defendant.

No. CR 3 06 70413 MEJ

[PROPOSED] STIPULATED ORDER  
CONTINUING DETENTION  
HEARING AND SETTING OF  
PRELIMINARY HEARING/  
ARRAIGNMENT

The defendant Kai Butler is currently scheduled for a detention hearing, and to set a preliminary hearing or arraignment, on Thursday December 7, 2006 at 9:30 a.m. In this stipulated order, counsel for Mr. Butler represents that he is in discussions with out-of-state sureties regarding the posting of equity in a house. AFD Kalar requests that Mr. Butler's detention hearing be continued until Wednesday, December 20, 2006 at 9:30 to permit adequate time for the preparation of defense counsel, and to permit further investigation regarding the availability of this equity for bond.

Counsel further represent in this stipulated order that they have been involved in extensive and good-faith negotiations regarding a pre-indictment disposition in this matter. Counsel are cautiously optimistic that these negotiations will produce a disposition that will permit a plea at the initial

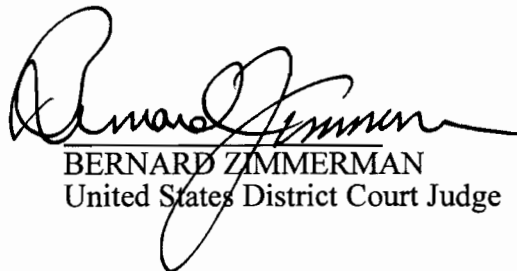
1 district court appearance. To facilitate these negotiations, counsel request that the setting of the  
 2 preliminary hearing date or arraignment be continued from December 7 to December 20, 2006. It  
 3 bears note that there is a chance that the parties will be prepared to proceed by way of Information on  
 4 December 20.

5 The parties jointly recommend that time be excluded under Rule 5 and the Speedy Trial Act  
 6 given the pendency of the government's motion to detain Mr. Butler. Mr. Butler is currently in  
 7 custody and will not seek his release until December 20.

8 Therefore, for good cause shown the detention hearing on December 7 is vacated. This matter  
 9 shall be added to the Court's calendar on Wednesday December 20 for detention and to set the  
 10 preliminary hearing or arraignment date. Good cause exists to exclude time for the arraignment under  
 11 Rule 5 of the Federal Rules of Criminal Procedure, and to exclude time under the Speedy Trial Act,  
 12 for the reasons articulated above.

13  
 14 IT IS SO ORDERED.

15 6 Dec 06  
 16 DATED

  
 BERNARD ZIMMERMAN  
 United States District Court Judge

17  
 18 IT IS SO STIPULATED.

19 12/06/06  
 20 DATED

/s  
 KEVIN V. RYAN  
 United States Attorney  
 Northern District of California  
 GREG LOWDER  
 Assistant United States Attorney

21  
 22  
 23 12/06/06  
 24 DATED

/s  
 BARRY J. PORTMAN  
 Federal Public Defender  
 Northern District of California  
 STEVEN G. KALAR  
 Assistant Federal Public Defender